

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-1250

September Term, 2007

Filed On: February 15, 2008

[1099358]

Sierra Club,
Petitioner

v.

Environmental Protection Agency and Stephen L.
Johnson, Administrator,
Respondents

York County Solid Waste and Refuse Authority and
Integrated Waste Services Association,
Intervenors

BEFORE: Randolph, Tatel, and Garland, Circuit Judges

ORDER

Upon consideration of the motion for voluntary remand, the opposition thereto, and the reply, it is

ORDERED that the motion for voluntary remand be granted to allow the Environmental Protection Agency to review its “Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors.” 71 Fed. Reg. 27,324. The agency is not required to admit legal error as a precondition for remand. See Ethyl Corp. v. Browner, 989 F.2d 522, 524 (D.C. Cir. 1993). Further, the appropriate remedy for an agency’s delay in issuing a final decision is mandamus. See Natural Resources Defense Council v. EPA, 489 F.3d 1364, 1375 (D.C. Cir. 2007).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

By:
Deputy Clerk